

COPY

1 LYNNE C. HERMLE (STATE BAR NO. 99779)  
lchermle@orrick.com  
2 JOSEPH C. LIBURT (STATE BAR NO. 155507)  
jliburt@orrick.com  
3 ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
4 Menlo Park, CA 94025  
Telephone: (650) 614-7400  
5 Facsimile: (650) 614-7401

6 CHRISTIAN N. BROWN (STATE BAR NO. 233147)  
cbrown@orrick.com  
7 ORRICK HERRINGTON & SUTCLIFFE LLP  
405 Howard Street  
8 San Francisco, CA 94105  
Telephone: (415) 773-5700  
9 Facsimile: (415) 773-5759

10 Attorneys for Defendants  
SEARS HOLDINGS CORPORATION and SEARS,  
11 ROEBUCK AND CO.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO/OAKLAND DIVISION  
15

16 PATRICK RODRIGUEZ, as an individual  
17 and on behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 SEARS HOLDINGS CORPORATION, a  
corporation; SEARS, ROEBUCK AND CO.,  
21 a corporation; and DOES 1 through 100,  
inclusive,

22 Defendants.  
23  
24  
25  
26  
27  
28

ORIGINAL  
FILED  
2010 MAR 25 P 3:39  
RICHARD V. WILKINS  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

SC

CV 10 1268  
Case No.

**DECLARATION OF ROBERT G.  
SPRINGHORN IN SUPPORT OF  
DEFENDANTS SEARS HOLDINGS  
CORPORATION AND SEARS,  
ROEBUCK AND CO.'S NOTICE OF  
REMOVAL**

1 I, Robert G. Springhorn, declare as follows:

2 1. I am a Senior Business Analyst for Sears Holdings Management  
3 Corporation, a subsidiary of Defendant Sears, Roebuck and Co. and Kmart Management  
4 Corporation. I have personal knowledge of the facts stated herein, and if called as a witness, I  
5 could and would competently testify thereto, under oath.

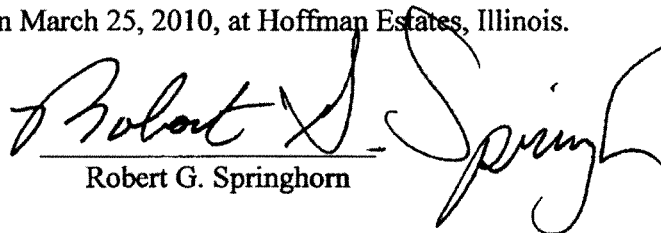
6 2. I have reviewed the electronic data of Defendant Sears, Roebuck and Co.  
7 to determine the number of employees who worked in Assistant Manager or similar positions at  
8 Sears, Roebuck and Co. and The Great Indoors (a division of Sears, Roebuck and Co.) in  
9 California between February 11, 2006 and March 23, 2010. The data I reviewed is entered into  
10 and stored in Sears' human resources database in the ordinary course of business at or near the  
11 time it is generated by personnel whose regular duties include accurately recording such data. I  
12 completed my review of this data on March 23, 2010.

13 3. According to Sears, Roebuck and Co.'s electronic records, 1,160  
14 employees worked in California as Assistant Managers (of various types) between February 11,  
15 2006 and March 23, 2010. This figure accounts only for Assistant Managers employed by  
16 Defendant Sears, Roebuck and Co. and one of its divisions, The Great Indoors. It does not  
17 include many additional Assistant Managers employed by Kmart Corporation, Orchard Supply  
18 Hardware, or other separately incorporated Sears entities encompassed by the plaintiff  
19 Rodriguez's Complaint. I estimate that all together, over 2,000 Assistant Managers worked at  
20 Sears, Roebuck and Co. and Kmart Corporation in California during this time period. Of the  
21 1,160 Sears, Roebuck and Co. Assistant Managers described above, 640 have terminated and are  
22 no longer employed by Sears.

23 4 Based on Sears' electronic data, the plaintiff in this case, Patrick  
24 Rodriguez, was employed as an Assistant Manager Trainee and Assistant Manager for Sears,  
25 Roebuck and Co. from March 10, 2008 until he resigned on January 11, 2010. He took a leave of  
26 absence between September 27, 2009 and November 10, 2009. This amounts to approximately  
27 88 workweeks of active employment. Plaintiff's average hourly rate of pay at the time of his  
28 ///

1 termination (based on his final annual salary) was \$27.88.  
2

3 I declare under penalty of perjury under the laws of the United States that the  
4 foregoing is true and correct. Executed on March 25, 2010, at Hoffman Estates, Illinois.

5  
6   
7 Robert G. Springhorn  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28